

State Water Resources Control Board

June 30, 2015

CERTIFIED MAIL
NO. 7014 2120 0000 5508 3491

Mr. Dan Magalhaes
Water Pollution Control Facility Maintenance Supervisor
3700 Enterprise Avenue
Hayward, California 94541

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEMS
LOCATED AT WATER POLLUTION CONTROL FACILITY, 3700 ENTERPRISE
AVENUE, HAYWARD**

Dear Mr. Magalhaes:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the USTs at your facility on June 18, 2015, pursuant to authority under Health and Safety Code, chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to Health and Safety Code (H&SC), chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Provide DO Training- The last employee training conducted by the DO is dated November 22, 2010.	All	December 1, 2011	Ongoing	23 CCR 2715(f)
2	Failure to Perform Secondary Containment Testing- Secondary Containment Testing was due on April 2, 2015. The test has not been performed.	All	May 1, 2015	Ongoing	23 CCR 2637(a)
3	Failure to Maintain Monitoring or Testing Records On-Site- Documentation of the Annual Monitoring Certification conducted on October 30, 2014 was not available at the time of inspection.	All	June 18, 2015	Ongoing	23 CCR 2712(b) H&SC 25293
4	Failure to Maintain Plot Plan/Site Map- The plot plan/site map needs to be updated.	All	June 18, 2015	Ongoing	23 CCR 2711(a)(8)

No.	Violation	Tank	Start Date	Stop Date	Regulation
5	Failure to Maintain Release Response Plan- Response Plan is not in CERS and the on-site response plan was not signed at the time of inspection.	All	June 18, 2015	Ongoing	23 CCR 2632(d)(2)
6	Failure to Maintain Facility and Tank Information (A&B Forms)- Tank forms need to be updated in CERS.	All	June 18, 2015	Ongoing	23 CCR 2711(a)
7	Failure to Maintain Monitoring Plan- Monitoring Plans need to be updated in CERS.	All	June 18, 2015	Ongoing	23 CCR 2711(a)(9)
8	Failure to Monitor Product Piping- The sensor in the under dispenser containment is not able to detect a leak at the earliest possible opportunity because it is positioned at an angle.	Tank #5	June 18, 2015	Ongoing	23 CCR 2630(d)
9	Failure to Tag Monitoring Equipment- Monitoring sensor in the under dispenser containment did not have a current certification tag that was readily visible.	Tank #5	June 18, 2015	Ongoing	23 CCR 2638(f)
10	Failure to Comply With Designated Operator Inspection Requirements- No follow up to alarms; the DO just pushed reset as noted in the alarm log.	Tank #5	June 18, 2015	Ongoing	23 CCR 2715(c)(1)
11	Failure to Install Primary or Secondary Piping to Code- Recalled TCI "school bus yellow" piping is being used as the supply and return lines to the generator.	Tank #6	June 18, 2015	Ongoing	23 CCR 2636(c)(2)
12	Failure to Monitor Product Piping- The sensor in the piping sump is not able to detect a leak at the earliest possible opportunity because the testing boots are on and Schrader valves are up.	Tank #6	June 18, 2015	Ongoing	23 CCR 2630(d)
13	Failure to Monitor Product Piping- The sensor in the piping sump is not able to detect a leak at the earliest possible opportunity because the testing boots are on and Schrader valves are up for lines to the generator and dispenser. The sensor in the under dispenser containment is not able to detect a leak at the earliest possible opportunity because it is positioned at an angle.	Tank #7	June 18, 2015	Ongoing	23 CCR 2630(d)

No.	Violation	Tank	Start Date	Stop Date	Regulation
14	Failure to Maintain Primary Containment Product Tight- This UST system has an active leak in the primary line at the dispenser. Diesel is seeping out at the union valve and dripping from the filter.	Tank #7	June 18, 2015	Ongoing	H&SC 25291(a)(1); 23 CCR 2631(a)
15	Failure to Meet UDC Requirements- The piping within the dispenser extends beyond the footprint of the UDC. Dispenser piping that does not fall entirely over the footprint of the UDC is not secondarily contained and in the event of a leak can result in a release to the environment.	Tank #7	June 18, 2015	Ongoing	23 CCR 2636(g)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and City of Hayward Fire Department within sixty (60) days from the date of this letter. Have your Designated Operator make specific notations in the next monthly designated operator report indicating the ongoing violations have been corrected. The monthly designated operator report and any associated photos must be submitted as proof of compliance.

Please send all compliance documentation to the following:

State Water Board

Ms. Rebecca Green
UST Enforcement Unit
1001 I Street, 16th Floor
Sacramento, California 95814
rebecca.green@waterboards.ca.gov

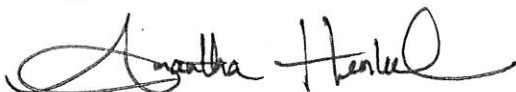
Local CUPA

Mr. Miles Perez
City of Hayward Fire Department
777 B Street,
Hayward, California 94541
miles.perez@hayward-ca.gov

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at amantha.henkel@waterboards.ca.gov.

Sincerely,



Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

cc: (via email only)

Mr. Hugh Murphy
Hazardous Materials Program Manager
City of Hayward Fire Department
hugh.murphy@hayward-ca.gov